

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

FIRST  
NOTICE OF ALIBI

-against-

Ind. No.  
12 Cr 802 (KBF)

DAVID DELVA

Defendant.

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SIR/MADAM:

PLEASE TAKE NOTICE, pursuant to Rule 12.1(a)(2) of the Federal Rules of Criminal Procedure, Defendant hereby gives notice of an intended alibi defendant that:

1. At the time of the alleged offense, Defendant was in the vicinity of 1159 Eastern Parkway, Brooklyn, New York; and,
2. The names, addresses and telephone numbers of each alibi witness on whom Defendant intends to rely are as follows:
  - Fabian Noisette  
1159 Eastern Parkway #8  
Brooklyn, NY 11213  
(929) 225-4353

PLEASE TAKE NOTICE, pursuant to Rule 12.1(b)(1) of the Federal Rules of Criminal Procedure, Defendant hereby demands that, within 14 days of service of this Notice, the Government disclose, in writing, the following:

1. The name of each witness -- and the address and telephone number of each witness other than a victim -- that the Government intends to rely on to establish that the defendant was present at the scene of the alleged offense; and
2. Each Government rebuttal witness to the Defendant's alibi defense

Dated: Great Neck, New York  
May 23, 2014

Respectfully submitted,  
/s/  
JEFFREY G. PITTELL  
Maher & Pittell, LLP  
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TO: AUSA Timothy Sini  
AUSA Justina Geraci